

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Attorney Docket No. 2006_1364A
Jose Carlos BRITO LOPES : **Confirmation No. 7225**
Serial No. 10/589,463 : Group Art Unit 1775
Filed September 19, 2008 : Examiner Gautam Prakash
NETWORK MIXER AND RELATED MIXING : **Mail Stop: AMENDMENT**
PROCESS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the requirement set forth in the Office Action mailed June 9, 2011, Applicants hereby elect invention I, claims 1-4, 6-8, 11 and 12 with traverse.

Traverse is based upon the following. First, 37 CFR 1.475 (b) states that ‘a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories: ... (2) A product and a process of use of said product.’ The apparatus claims listed above and process claims 9-10 are in fact directed to a mixer and a process of use of the mixer by reason of claim 9 referring to claim 1. See MPEP s. 1850. Second, the Examiner acknowledges that the claims have a common special technical feature.

However, the Examiner concludes that the common special technical feature does not make a contribution over the prior art in view of either EP references 1036588 or 1134020, both cited in the International Search Report. While discovering that a special technical feature does not make a contribution over the prior art may be a basis for a lack of unity of invention, the Examiner’s statement in section 4 on page 2 of the Office Action amounts to no more than an allegation. There is no identification of the special technical feature or explanation of how it is found within the references.

In view of the above, withdrawal of the election requirement is respectfully requested, and in view of this election, a full examination on the merits of the present application is respectfully requested.

Respectfully submitted,

Jose Carlos BRITO LOPES

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